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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CHERYL SAVAGE,

15 Defendant.
16

Case No. CR 11-0728-LHK (HRL)

**APPLICATION TO CONTINUE
SENTENCING DATE**

17 The defendant is scheduled to be sentenced on April 24, 2013. The proposed presentence
18 report ("PPSR") was required to be provided by the U.S. Probation Office to the parties 35 days
19 before the sentencing date or on or before March 20, 2013 pursuant to Crim L.R. 32-4 (a).
20 Instead, the Probation Office provided the PPSR to defendant's counsel on March 29, 2013 by fax
21 on 4:15 pm. The undersigned had already left the office for the weekend. Under Crim. L.R. 32-
22 4(b) the defendant has two weeks or until April 12, 2013 to submit a written response to the PPSR.
23 We intend to object to many portions of the PPSR. The Probation Officer may then conduct a
24 meeting to discuss the objections. See Crim. L.R. 32-4(c).

25 The final sentence report is required to be lodged with the Court at least 14 days before the
26 date set for sentencing or in this case as now scheduled on April 10, 2013, which is two days
27 before the defendant's response to the PPSR is due. See Crim L.R. 32-5(a). The parties may
28 submit sentencing memoranda no later than 4 days after the final presentence report is lodged with

1 the Court. Crim L.R. 32-5(b).

2 None of the above required dates can be accomplished with a sentencing date of April 25,
3 2013 as result of the failure of the Probation Officer to timely submit the PPSR to the parties.
4 Accordingly, we request that the sentencing date be continued to May 8, 2013 to allow the parties
5 to respond to the PPSR within the 14 days as provided in L.R. 32-4(b), to then attempt to resolve
6 the objections, and to prepare and file sentencing memoranda. Assistant United States Attorney
7 Cynthia Stier has no objection to the sentencing date being continued two weeks to May 8, 2013.

8 SIDEMAN & BANCROFT LLP

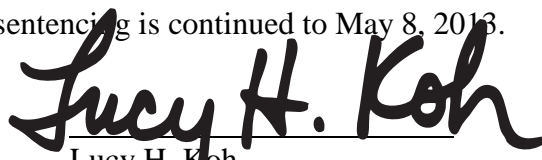
9 DATED: April 2, 2013

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11 By: /s/ Jay R. Weill
12 Jay R. Weill
13 Attorneys for DEFENDANT
14 CHERYL SAVAGE

15 **ORDER**

16 Upon application of the defendant, the sentencing is continued to May 8, 2013.

17 DATED: 4/9/13

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19 Lucy H. Koh
20 United States District Court Judge

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